

HOUSE BILL 574
EMERGENCY BILL

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2004 Regular Session
4r0122

By: **Chairman, Health and Government Operations Committee (By Request
- Departmental - Insurance Administration, Maryland)**

Introduced and read first time: February 4, 2004

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2004

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - Medicare Supplement - ~~Repeal of Prohibited Solicitation~~**
3 **to Medicaid-Eligible Individual**

4 FOR the purpose of ~~repealing a certain prohibition against selling~~ specifying the
5 provisions under which a Medicare supplement policy may be sold to an
6 individual eligible for Medicaid benefits; making this Act an emergency
7 measure; and generally relating to the sale of a Medicare supplement policy.

8 BY repealing and reenacting, with amendments,
9 Article - Insurance
10 Section 15-925
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Insurance**

16 15-925.

17 (a) When soliciting the sale of a health insurance policy, a carrier or insurance
18 producer may not knowingly offer a Medicare supplement policy to an individual not
19 eligible for Medicare.

20 (b) A carrier or insurance producer may ~~not negligently or knowingly~~ ONLY
21 sell or offer to sell a Medicare supplement policy to an individual eligible for Medicaid

1 benefits IN ACCORDANCE WITH THE PROVISIONS OF 42 U.S.C. § 1395SS AND THIS
2 SUBTITLE.†

3 ~~{(c)}~~ ~~(B)~~ A carrier or insurance producer may not negligently or knowingly sell
4 or offer to sell to an individual a Medicare supplement policy that duplicates to any
5 extent an existing Medicare supplement policy that covers that individual.

6 ~~{(d)}~~ ~~(C)~~ A carrier or insurance producer may not use the terms "Medicare
7 supplement", "Medigap", or other words of similar meaning in advertising or
8 otherwise in soliciting the sale of a health insurance policy or other policy, unless the
9 policy conforms to §§ 15-904, 15-906, 15-907, and 15-908 of this subtitle.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
11 emergency measure, is necessary for the immediate preservation of the public health
12 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
13 members elected to each of the two Houses of the General Assembly, and shall take
14 effect from the date it is enacted.